



David M. Loring
312.258.5603
dloring@schiffhardin.com

233 SOUTH WACKER DRIVE
SUITE 6600
CHICAGO, ILLINOIS 60606
t 312.258.5500
f 312.258.5600
www.schiffhardin.com

May 28, 2015

VIA E-MAIL
AND FIRST CLASS MAIL

Ms. Emily Albano
Freedom of Information Act Specialist
U.S. Environmental Protection Agency, Region 7
11201 Renner Blvd.
Lenexa, KS 66219
albano.emily@epa.gov

Dear Ms. Albano:

Pursuant to the Freedom of Information Act, 5 U.S.C § 522 ("FOIA"), we respectfully request the following documents and information regarding: (i) the State of Missouri's revisions to its state implementation plan to address the 2010 1-Hour Sulfur Dioxide Primary National Ambient Air Quality Standard; and (ii) the United States Environmental Protection Agency's correspondence with the Missouri Department of Natural Resources regarding Ameren Missouri and the Rush Island Power Center.

The terms shall be defined herein as follows:

- i. "2010 SO₂ NAAQS" shall refer to the 2010 1-Hour Sulfur Dioxide Primary National Ambient Air Quality Standard, 75 Fed. Reg. 35,520 (June 22, 2010).
- ii. "EGU" shall mean an electric-generating unit.
- iii. "SIP" shall refer to the Missouri State Implementation Plan, as periodically modified and approved by EPA so as to render its provisions federally enforceable.
- iv. "MACC" shall refer to the Missouri Air Conservation Commission.
- v. "MDNR" shall refer to the Missouri Department of Natural Resources and any employees or agents thereof.
- vi. "NAAQS" shall mean National Ambient Air Quality Standard.

Ms. Emily Albano

May 28, 2015

Page 2

- vii. “U.S. EPA” or “EPA” shall refer to the United States Environmental Protection Agency, both the national and any regional headquarters, and any employees or agents thereof.
- viii. “Document” shall mean the following (whether in hard copy or electronic form): phone logs; notes; correspondence; communications of any nature; memoranda; summaries or records of personal conversations; reports; publications; minutes and records of meetings; transcripts of oral testimony and statements; summaries and reports of interviews, negotiations, investigations, and studies; agreements and contracts, including all modifications and revisions thereof; audio and video recordings; records; electronically stored information; electronic mail transmissions; and facsimile transmissions.
 - a. “Document” shall include all non-identical copies of a document, such as copies of documents with handwritten notations on them;
 - b. “Document” shall exclude any documents generated or prepared by Ameren Missouri.

Subject to the definitions above, in accordance with FOIA, we specifically request the following records:

- 1. Correspondence by and between EPA and MDNR regarding Ameren Missouri, including but not limited to correspondence regarding EPA’s New Source Review enforcement action involving Ameren Missouri’s Rush Island Power Station (E.D. Missouri, 4:11-cv-00077-RMS), from January 1, 2013 through present.
- 2. All documents reflecting any comments from U.S. EPA on the State of Missouri’s SIP or SIP planning efforts for the 2010 SO₂ NAAQS, including all documents reflecting EPA’s comments on:
 - a. The State of Missouri’s proposed rule to address the 2010 SO₂ NAAQS SIP, issued on May 15, 2015 (Mo. Reg. Vol. 40, Issue 10);
 - b. Any Consent Agreement entered into by MDNR proposed to be included as part of the State of Missouri’s 2010 SO₂ NAAQS SIP;
 - c. Any testimony EPA intended to or did present at the April 30, 2015, MACC hearing held on the State of Missouri’s 2010 SO₂ NAAQS SIP;

Ms. Emily Albano

May 28, 2015

Page 3

- d. EPA's position or policy on MDNR's use of monitoring for purposes of Missouri's 2010 SO₂ NAAQS SIP planning efforts;
 - e. EPA's position or policy on MDNR's use of modeling, including the use of actual emission data and/or allowable emission data from stationary sources, for purposes of Missouri's 2010 SO₂ NAAQS SIP planning efforts; and
 - f. MDNR's use of, or reliance on, certain modeling or monitoring data received from EGUs or other stationary sources to establish initial 2010 SO₂ NAAQS area designations.
3. All correspondence discussing or referring to whether and/or the extent to which the use of monitoring or monitored data is appropriate for determining that a non-attainment area has achieved attainment of the 2010 SO₂ NAAQS. This request includes all correspondence reflecting:
 - a. the consideration, discussion, or establishment by any state agency or EPA of any policy or guidelines for the use of monitored data versus modeling data for determining that a non-attainment area has achieved attainment of the 2010 SO₂ NAAQS; and
 - b. the consideration, discussion, or establishment by any state agency or EPA of any policy or guidelines for the use of actual versus allowable emissions data in modeling for determining that a non-attainment area has achieved attainment of the 2010 SO₂ NAAQS.
4. All documents discussing or referring to the federally decreed shut down of the Doe Run smelter and its impact on the Jefferson County 2010 SO₂ NAAQS Non-Attainment area.
5. All documents discussing or referring to the use or installation of ambient air quality monitors for the Jefferson County 2010 SO₂ NAAQS designation.
6. All documents discussing or referring to Ameren Missouri EGUs and/or each EGUs', including but not limited to, the Rush Island Energy Center, impact on the Jefferson County 2010 SO₂ NAAQS Non-Attainment area or Mott Street monitor.



Ms. Emily Albano

May 28, 2015

Page 4

If you have any questions regarding this FOIA request, please do not hesitate to contact me. We will pay for the reasonable costs of copying these documents. Thank you for your time and assistance.

Yours very truly,

A handwritten signature in blue ink, appearing to read 'D. Loring', written over the closing text.

David M. Loring

DML/dl